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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,111	05/24/2001	Ion Leon Batachia	22097-007	3045
30623	7590	10/19/2004		
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111			EXAMINER HOLMES, MICHAEL B	
			ART UNIT 2121	PAPER NUMBER

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,111

Applicant(s)

BATACHIA ET AL.

Examiner

Michael B. Holmes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19,20,22-25,27,28 and 30-33 is/are rejected.
- 7) ☒ Claim(s) 21,26,29 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892) *
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.



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Examiner's Detailed Office Action

Response to Amendment

1. This Office Action is responsive to communication received on July 07, 2004, Amendment under 37 CFR § 1.111. Reconsideration and allowance of the present application 09/865,111 filed May 24, 2001 is respectfully requested by applicant. All such supporting documentation has been placed in applicant's file.
2. Claims 1-18 have been canceled.
3. Claims 19-34 have been added and examined.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was *described* in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 19-20, 22-25, 27-28, & 30-33 are rejected under 35 U.S.C. 102(e) as being anticipated by *Bigus et al.* (USPN 6,401,080 B1).

Regarding claims 19, 24, 27, & 32.

Bigus et al. describes a method for enhancing negotiations (Abstract) for telecommunication services (*Examiner interprets this as the transmission and reception of information of any type, including data, television pictures, sound, and facsimiles, employing electrical or optical signals sent over wires or fibers or through the air*) for a party using an interface (*see Fig. 1 & Fig. 2;*

C 5, L 32-63) comprising:

providing a negotiation engine (*see Fig. 4, item 102*) for negotiating telecommunication services between a party and a telecommunications provider; (*see Fig. 1; Fig. 2; C 6, L 12-31 & Fig. 4; C 7, L 15-31*)

providing an intelligent agent for negotiating, on behalf of the party, telecommunication services of the telecommunications provider; (*see Fig. 1; Fig. 2; C 6, L 12-31 & Fig. 4; C 7, L 15-31*) and providing an interface having one or more editable fields corresponding to telecommunication service parameters for the negotiation; (*see Fig. 3; C 6, L 32 to C 7, L 14 & Fig. 4, item 108, C 7, L 16-31, Examiner's note: Fig. 3, item 15, shows an external network or interface, e.g., Fig. 1. of*

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which, shows workstations that can be employed as a human interface. Fig 4, shows a library component hosting libraries or databases the information utilized by knowledge components and an optional view which also can be employed as a human interface for supplying instruction to the agent. Examiner interprets the act of accessing the agent through the network interfaces, ^{to be} the same ^{as} editing fields or customizing the applications for purpose of carrying out negotiations.) notifying the party of a successful negotiation result; (see C 3, L 49 to C 4, L 23) and the telecommunications company receiving an acceptance of the negotiation result by the party (see C 3, L 49 to C 4, L 23).

Regarding claims 20, 25, 28, & 33.

Bigus et al. describes the method according to claim 19, wherein the interface is provided for either or both of the party and the telecommunications provider. (see Fig. 1 & Fig. 2; C 5, L 32-63)

Regarding claims 22 & 30.

Bigus et al. describes the method according to claim 19, further comprising notifying the party of a successful negotiation result. (see C 3, L 49 to C 4, L 23)

Regarding claims 23 & 31.

Bigus et al. describes the method according to claim 22, further comprising the telecommunications company receiving an acceptance of the negotiation result by the party. (see C 3, L 49 to C 4, L 23)

Claim Objection(s)

7. Claims 21, 26, 29, & 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's remarks: "providing an interface having one or more editable fields allowing customization of one or more parameters for the negotiation." *Bigus et al.* provides an interface (Fig. 4., item 15 "external network" (C 7, L 15-31, *Examiner contends, this is the point at which a connection is made between two elements so that they can work with each other to exchange information.*)

Examiners Summary

9. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information

10. Any inquires concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes** who may be reached via telephone at **(571) 272-3686**. Moreover, the examiner can normally be reached Monday through Friday between 7:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the **Examiner's Supervisor, Anthony Knight**, may be reached at **(571) 272-3687**.

Michael B. Holmes


Patent Examiner

Artificial Intelligence

Art Unit 2121

United States Department of Commerce

Patent & Trademark Office



Anthony Knight

**Supervisory Patent Examiner
Group 3600**